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Written statement* submitted by the Amuta for NGO Responsibility, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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European Funding for Illegal Building on West Bank in Violation of International Law

Introduction

Human rights bodies within the UN have frequently taken up the issue of construction in the West Bank, and allegations that such building violates international conventions and constitutes gross violations of diplomatic norms.

It is therefore imperative that the UNHRC concern itself deeply with illegal construction under the auspices of non-governmental organizations (NGOs), aided and abetted by European governments.

A number of NGOs involved in Palestinian political advocacy have facilitated the building of structures in Area C of the West Bank. The structures, which are built without permits from the Israeli Civil Administration, are considered illegal under the obligations set forth by the Oslo agreements.

These NGOs have received support for this agenda from European governments.[1] Notably, the funding for this illegal building originates primarily with European governments via the European Union (EU).

Professor Eugene Kontorovich, an expert in international law from the Northwestern University School of Law in Chicago, stated: "There's no question, the EU is openly in violation of international law."

EU involvement

This construction activity, as reported in the *Daily Mail (UK)*[2], was financed with tens of millions of Euros, provided by EU public funds. Villages known as "EU Settlements" are found in 17 locations around the West Bank. These settlements fly the EU flag and display EU signs as well as the logos of partner NGOs such as Oxfam International.

The unauthorized construction has been acknowledged by an Oxfam spokesperson. EU involvement was initially denied by Brussels-based EU spokesperson Maja Kocijancic: "To date, no construction has started yet under these programmes. The EU is not funding illegal projects." Kocijancic declined to comment when shown photographs of the construction and an EU-Oxfam sign stating that the "main activities" of construction work are "'rehabilitation and reclamation' of land."

However, EU funding was officially confirmed by Shadi Othman, a communications officer at the Office of the European Union Representative in the West Bank, who stated: "This is part of the work done to build the future Palestinian state." Othman declined to comment on a picture of a uniformed EU worker threatening soldiers and bystanders with a rock in 2012.

Othman's statement is supported by EU documentation[3] showing €7,000,000 budgeted in 2012 alone for "Land development and basic infrastructure in Area C." The funds are meant to "support the Palestinian presence and to promote social and economic development in Area C."

Legal and diplomatic ramifications

[1] http://www.ngo-monitor.org/article/eu_funded_ngos_vs_eu_israel_cooperation
[2] http://www.dailymail.co.uk/news/article-2874883/EU-funding-illegal-building-West-Bank-says-report.html#ixzz3R8VRlhGc
[3] http://europa.eu/rapid/press-release_IP-12-964_en.htm

International legal experts have confirmed that the actions of the EU and NGOs are illegal, and warn that EU involvement in illegal building activity is tantamount to taking sides in a foreign territorial dispute.

Alan Baker, an Israeli international lawyer who helped draft the Oslo agreements stated, "According to international law, all building in Area C must have permission from Israel, whether it is temporary or permanent…The EU is ignoring international law and taking concrete steps to influence the facts on the ground."

The illegal building also threatens to undermine diplomatic relationships between Israel and the EU; by condemning Israeli building in Area C while simultaneously funding Palestinian settlements there, the EU has exemplified a double standard.

At least two Members of the European Parliament – British MEP James Carver, and German MEP Michael Theurer – are raising these concerns with EU policymakers.

NGOs distort EU policy

NGO lobbying to the EU has encouraged the illegal building activity. In a July 2012 briefing paper,[4] Oxfam International recommended that NGOs should "**initiate and support development projects in the Jordan Valley and other parts of Area C**...even if they have not been approved by the Israeli Civil Administration…" (emphasis in original).[5] Oxfam claimed that this would be "in line with the draft recommendations of the EU Heads of Diplomatic Mission report on Area C" (which was leaked to the press despite not having received formal approval from the EU).

Similarly, an article posted[6] on UN OCHA's humanitarian news and analysis network, IRIN, alleged that "the European Union (EU) and humanitarian agencies are pressing to change the rules of the aid game." According to Tsafrir Cohen from Medico International[7] (funded by the German government), "They are pressuring Israel to reach an actual game change in Area C. There had to be a game change." Ulrich Nitschke of the German Agency for International Cooperation (GIZ), a federally-owned enterprise,[8] was more specific, stating:

> *As soon as we get a green light on the technical stuff, the EU donors are counting six months. If there is still no permit issued after that, the project is implemented without.*

However, these NGO statements contradict stated EU policy. Contrary to Oxfam's claims, the leaked EU Area C draft report[9] does not recommend illegal construction or violation of international obligations and treaties. In fact, the EU rejected any such approach in a May 2012 statement,[10] emphasizing that "The EU will engage with the Government of Israel to work out improved mechanisms for the implementation of the donor funded projects for the benefit of the Palestinian population in Area C." In this way the EU's participation in illegal building activities is in contradiction to its own stated policies.

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[4] http://policy-practice.oxfam.org.uk/publications/on-the-brink-israeli-settlements-and-their-impact-on-palestinians-in-the-jordan-232131

[5] In 2009, Oxfam was accused of being involved in constructing a water-siphoning system, which illegally diverted water from the "main authorized Palestinian water supply." See http://www.jpost.com/Israel/NGO-Oxfam-aids-illegal-Palestinian-deeds

[6] http://www.ngo-monitor.org/data/images/File/IRIN_article-Medico-GIZ-EU_English.pdf

[7] http://www.ngo-monitor.org/article/medico_international_

[8] http://www.ldf.ps/documentsShow.aspx?ATT_ID=5503

[9] https://web.archive.org/web/20120616120638/http://www.redress.cc/cms-files/nsabir20120115.pdf

[10] http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/130195.pdf

The scope of the problem

NGO involvement in illegally building in Area C without permits is extensive. According to the Displacement Working Group (DWG, a group of local and international NGOs chaired by OCHA), Israel razed 62 illegally-built, European-funded structures in 2011, and another 110 projects could be demolished. According to DWG, these structures were financed by France, the Netherlands, UK, Poland, Ireland, and the European Commission.[11]

In addition to the abovementioned groups – Oxfam International, Medico International, and GIZ – the Israeli organizations Israeli Committee against House Demolitions (ICAHD)[12], COMET ME[13], Ta'ayush[14], and Solidarity[15] are also involved in the process of building without permits in Area C and pushing for European diplomatic intervention.

Conclusion

The phenomenon of illegal NGO building in Area C due to NGO maneuvering to obtain European support for these efforts poses an impediment for peace and positive relations in the Middle East, and could lead to damaged relations between Israel and Europe.

On one level, the NGOs have undermined the terms of Oslo, which were mutually drafted and agreed to by both the Israeli government and the PLO, and guaranteed by European governments and the United States. The illegal building also undermines international law, which obligates Israel to administer the territories under its control.

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[11] https://web.archive.org/web/20130920033925/http://www.google.com/hostednews/afp/article/ALeqM5hzG0fTr6sqqDxnuMtDcsBLisiI2Q?hl=en

[12] https://web.archive.org/web/20120729000622/http://www.icahd.org/?p=8460; https://web.archive.org/web/20120516232557/http://www.icahd.org/?p=829&; https://web.archive.org/web/20120401213539/http://www.icahd.org/?page_id=8185

[13] http://webcache.googleusercontent.com/search?q=cache:7JR6h1TFsvYJ:www.irinnews.org/printreport.aspx%3Freportid%3D95954+&cd=1&hl=iw&ct=clnk&gl=il

[14] http://www.ngo-monitor.org/article/ta_ayush; http://www.taayush.org/?p=2405

[15] http://www.ngo-monitor.org/article/sheikh_jarrah_solidarity_movement; http://www.justjlm.org/1911